

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
Sprint Petition for Declaratory Ruling )  
Obligation of Incumbent LECs to Load )  
Numbering Resources Lawfully Acquired )  
and to Honor Routing and Rating Points )  
Designated by Interconnecting Carriers )

*cc Docket No. 01-92*

**OPPOSITION**

BellSouth Corporation and BellSouth Telecommunications Inc. ("BellSouth") hereby submit their Opposition to the Sprint Petition for Declaratory Ruling. As explained further below, there is no case, controversy or uncertainty for the Commission to resolve. All of Sprint PCS's numbers have been loaded with the routing and rating points designated by Sprint. Because Sprint PCS's routing and rating points involve areas in which BellSouth does not provide local service, issues regarding appropriate billing and compensation arise. These matters fall within the purview of the state commission and BellSouth has taken steps to bring them to the attention of the state commission and seek resolution.

1. In its Petition, Sprint claims that BellSouth has refused to load NPA-NXX codes that it has acquired because the routing and rating points for the codes were not the same. Sprint further claims that BellSouth notified Sprint that it must "correct" interconnection arrangements with non-BellSouth ILECs located in North Carolina, South Carolina and Florida by June 8, 2002. Sprint claims that if it fails to make the correction, BellSouth will stop routing calls to Sprint where the rating and routing points do not match or where the rating point is associated with an ILEC other than BellSouth. Sprint is incorrect.

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BellSouth Opposition  
May 22, 2002

2. From the outset, it must be understood that (1) all of Sprint PCS's NPA-NXXs have now been loaded regardless of rating and routing points; and (2) BellSouth will not unilaterally stop routing Sprint PCS calls on June 8, 2002 or on any other date. Sprint's Petition for Declaratory Ruling misstates BellSouth's policy and position. On March 20, 2002 BellSouth advised all carriers that it had revised Carrier Notification Letter SN91082844 that related to the activation of NPA-NXX codes with rate centers in non-BellSouth areas.<sup>1</sup> The revised carrier notification letter clarified that BellSouth is not refusing to route calls or to activate **NPA-NXX** assignments.

3. Although Sprint attached the revised carrier notification letter to its Petition, it mistakenly asserts as BellSouth's "new" policy a position that the revised carrier notification letter supersedes. Thus, contrary to Sprint's Petition, BellSouth is not preventing Sprint from loading NXXs that it acquires or adversely affecting the routing of any Sprint traffic.

4. While BellSouth will carry traffic and recognize NXX assignments of Sprint and other Commercial Mobile Radio Service ("CMRS") providers that require BellSouth to route traffic in a manner inconsistent with its rating points, BellSouth nevertheless believes that such arrangements as currently constituted result in, at a minimum, inappropriate intercarrier compensation. Various forms of intercarrier compensation, including reciprocal compensation, access charges and inter-company settlements could apply to this traffic. It is BellSouth's position that when a CMRS provider does not interconnect directly with the independent ILEC and insists that BellSouth arrange for the transmission of these local calls with rate centers within

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<sup>1</sup> Notification of the revision of Carrier Notification SN91082844 was provided to all carriers in Carrier Notification Letter SN91082947. Sprint attached to their Petition Carrier Notification Letter SN91082947 and Revised Carrier Notification Letter SN91082844 as Exhibits D and E, respectively.

the independent ILEC's calling area and routing points within BellSouth's calling area, then all parties should be compensated correctly for the costs incurred for provision of the service.

5. The specific issues of appropriate billing and cost recovery are matters related to interconnection agreements and intrastate tariffs through which interconnection arrangements are offered to wireless carriers. In its Petition, Sprint disparages BellSouth's concerns regarding its intrastate tariffs. Sprint overlooks the fact that the interconnection agreements do not contemplate these NXX arrangements, leaving only BellSouth's offering of a Virtual NXX arrangement pursuant to its intrastate tariff as the mechanism for transporting traffic where the rating point is in an exchange that is different than the interconnection point. The tariff issue arises because BellSouth's Virtual NXX arrangement is only offered within BellSouth's exchange territory, which is the geographic scope of its tariff. Under Sprint's arrangement, the rating point is in BellSouth territory but the routing is outside BellSouth territory to independent ILEC territory. The questions to be resolved are whether BellSouth provides Sprint with the equivalent of a virtual NXX under its existing tariff; does the tariff have to be modified; or does a new interconnection arrangement need to be defined and the appropriate transport charges to be associated therewith.'

6. All of these questions are matters for the appropriate state commission to resolve. Indeed, in its revised carrier notification letter, BellSouth made clear that it would bring such issues to the attention of the state commission for resolution. With regard to Sprint's

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<sup>2</sup> Underlying these questions is whether in routing traffic outside of its exchange area, BellSouth is acting in a manner that is inconsistent with its state certificate of authority.

arrangements, BellSouth filed a Petition for Declaratory Statement with the Florida Public Service Commission on May 10, 2002.<sup>3</sup>

7. Properly understood, the dispute between Sprint and BellSouth is about intercarrier compensation and state tariffs. It does not involve a refusal to interconnect or a refusal by BellSouth to adhere to numbering requirements. Thus, this dispute revolves around the financial consequences of a wireless carrier's decision to have a single point of interconnection. Indeed, in its order granting BellSouth's application for interLATA authority in Georgia and Louisiana, the Commission termed complaints similar to Sprint's made by Nextel and Triton as largely unresolved intercarrier compensation issues. Further, the Commission acknowledged that the underlying issues are already before the Commission in its intercarrier compensation proceeding.<sup>4</sup> Hence, a declaratory ruling by the Commission here would be inappropriate to establish new policy in view of the pending rulemaking proceeding. Instead, the state commission having jurisdiction should resolve the immediate compensation and other issues.

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<sup>3</sup> At the time BellSouth filed its Petition with the Florida Public Service Commission, BellSouth was unaware that Sprint had filed a petition with the Commission. A copy of BellSouth's Petition is attached as Attachment 1.

<sup>4</sup> *In the Matter of Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc. And BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services In Georgia and Louisiana*, CC Docket No. **02-35**, *Memorandum Opinion and Order*, FCC 02-147, ¶ 208 (rel. May 15, 2002).

8. For the reasons stated above, the Commission should deny Sprint's request **for** a declaratory ruling

Respectfully submitted,

**BELLSOUTH CORPORATION**  
**BELLSOUTH TELECOMMUNICATIONS. INC.**

**By:** /s/ Richard M. Sbaratta  
Richard M. Sbaratta

**Its Attorney**

Suite 4300  
675 West Peachtree **Street**, N. E.  
Atlanta, Georgia 30375-0001  
(404) 335-0756

Date: May 22,2002

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 22nd day of May 2002 served the following parties to this action with a copy of the foregoing **OPPOSITION** by hand delivery and/or by placing a copy of the same in the United States Mail, addressed to the parties listed below.

+Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S. W.  
Room 5-B540  
Washington, D. C. 20554

+Qualex International  
The Portals, 445 12<sup>th</sup> Street, S. W.  
Room CY-B402  
Washington, D. C. 20554

Luisa L. Lancetti  
Vice President, PCS Regulatory Affairs  
Sprint Corporation  
401 9<sup>th</sup> Street, N. W., Suite 400  
Washington, D. C. 20004

Charles W. McKee  
Monica M. Barone  
Sprint Corporation  
6391 Sprint Parkway, 2d Floor  
Mail Stop: KSOPHT0101-Z2060  
Overland Park. KS 66252

/s/ Juanita H. Lee  
Juanita H. Lee

**+ VIA HAND DELIVERY**

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